



JAMES W. FUHRMEISTER
JUDGE OF PROBATE • SHELBY COUNTY
P.O. BOX 825
COLUMBIANA, ALABAMA 35051

KIMBERLY A. MELTON
CHIEF CLERK

TELEPHONE
205-669-3713

FOR IMMEDIATE RELEASE - February 13, 2015

At the present time, the Probate Office in Shelby County, Alabama is issuing marriage licenses to opposite sex couples but not to same sex couples. This policy is based on the current state of the law as it pertains to Shelby County and to the conduct of operations within this Office.

Judge Granade, United States District Judge in the Southern District of Alabama, has issued an order enjoining Mobile County Probate Judge Don Davis from refusing to issue marriage licenses solely on the basis that the couple is same sex. This order has no more legal impact on Shelby County than if it were issued by a United States District Judge in Georgia, Mississippi or California. Shelby County is not in Judge Granade's District. The Shelby County Probate Judge is not a party in those civil suits and is not under the jurisdiction of her orders. No court orders have been issued which alter the legal conclusion that the law which applies in Shelby County, Alabama at this point in time is the law of Alabama as adopted by the Alabama legislature and approved by a vote of the people of Alabama.

Of course, I am constantly reviewing my decision with my legal counsel in light of all new court orders to determine if there has been a change in the law which applies to Shelby County or to the Office which I hold.

I believe that my decision in this matter, or any other matter, must be made based on the law which applies at the present time. I do not believe that a judge should impose his or her personal belief, for or against an issue, nor should a decision be based on speculation of what the law may become. Judge Granade has issued an order which I assume with confidence is based on her understanding of the law which applies in the Southern District of Alabama. Her decision, subject to further judicial review, binds the parties over whom she has jurisdiction in the case before her, the parties who have been served with proper legal process in that case and have had an opportunity to be heard in her lawsuits. The decisions which I make in Shelby County are based on the same principle and on the current law as it applies to my Office and the people in Shelby County seeking marriage licenses. It is a mistake to infer my personal beliefs or opinions from this decision.

This is a very emotional issue for many, and advocates on all sides of the issue are making themselves heard. It is my duty, as a judge, to look past the emotions and personal feelings and reach decisions based on the facts and legal principles which apply to me and to my fellow citizens. I have tried to do that in the past, and I will, to the best of my ability, continue to do that in the future.

Jim Fuhrmeister
Judge of Probate, Shelby County, Alabama